

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK

Judge Chesler
Court Reporter: PHYLLIS T. LEWIS
6/24/2020

Title of Case

UNITED STATES OF AMERICA

v.

NICOLA MARCHESE

Docket No. 19-920

Appearances:

Sammi Malek, AUSA
Frank Agostino, Esq, Retained and Phillip Colasanto, Esq.
Santiago Cornejo, USPO

Nature of Proceeding:

NON CONTESTED SENTENCE

DEFENDANT AGREED ON THE RECORD TO PROCEED UNDER THE COVID19 ORDER
VIA ZOOM

SENTENCE: PROBATION 2 years on counts 1 and 2 of the INFORMATION. This term consists of terms of 2 years on each of Counts 1 and 2, all such terms to run concurrently. Based on information presented, you are excused from the mandatory drug testing provision; however, you may be requested to submit to drug testing during the period of supervision if the probation officer determines a risk of substance abuse.

SPECIAL CONDITIONS:

COMMUNITY SERVICE (200 hours over 2 years)

You must contribute 200 hours of community service work over a period of 2 years or less, from the date supervision commences. Such service will be without compensation, with the specific work placement to be approved by the U.S. Probation Office.

LOCATION MONITORING PROGRAM (6 months) (Payment NOT waived)

You must submit to home detention for a period of 6 months and comply with the Location Monitoring Program requirements as directed by the U.S. Probation Office. You will be restricted to your residence at all times except for employment, education, religious services, medical, substance abuse and mental health treatment, court-ordered obligations, and any other such times specifically authorized by the U.S. Probation Office. The location monitoring technology is at the discretion of the U.S. Probation Office. You must pay the cost of the monitoring.

FINANCIAL DISCLOSURE

Upon request, you must provide the U.S. Probation Office with full disclosure of your financial records, including co-mingled income, expenses, assets and liabilities, to include yearly income tax returns. With the exception of the financial accounts reported and noted within the presentence report, you are prohibited from maintaining and/or

opening any additional individual and/or joint checking, savings, or other financial accounts, for either personal or business purposes, without the knowledge and approval of the U.S. Probation Office. You must cooperate with the U.S. Probation Office in the investigation of your financial dealings and must provide truthful monthly statements of your income. You must cooperate in the signing of any authorization to release information forms permitting the U.S. Probation Office access to your financial records.

COOPERATION WITH THE INTERNAL REVENUE SERVICE

You must fully cooperate with the Internal Revenue Service by filing all delinquent or amended returns within six months of the sentence date and timely file all future returns that come due during the period of supervision. You must properly report all corrected taxable income and claim only allowable expenses on those returns. You must provide all appropriate documentation in support of said returns. Upon request, you must furnish the Internal Revenue Service with information pertaining to all assets and liabilities, and you must fully cooperate by paying all taxes, interest and penalties due and otherwise comply with the tax laws of the United States.

SELF-EMPLOYMENT/BUSINESS DISCLOSURE

You must cooperate with the U.S. Probation Office in the investigation and approval of any position of self-employment, including any independent, entrepreneurial, or freelance employment or business activity. If approved for self-employment, you must provide the U.S. Probation Office with full disclosure of your self-employment and other business records, including, but not limited to, all of the records identified in the Probation Form 48F (Request for Self-Employment Records), or as otherwise requested by the U.S. Probation Office.

It is further ordered that you must pay to the United States a fine of \$4,000; \$2,000 per count.

SPECIAL ASSESSMENT: \$200, which is due immediately.

RIGHT TO APPEAL:

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s/Theresa C. Trivino, Senior Courtroom Deputy to the Honorable Stanley R. Chesler